

Senate Amendment 5142

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1 1 Amend Senate File 2219, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 4, by inserting after the word
1 4 <trafficking> the following: <, to include curricula
1 5 on cultural sensitivity and the means to deal
1 6 effectively and appropriately with trafficking
1 7 victims. Such training shall encourage law
1 8 enforcement personnel to communicate in the language
1 9 of the trafficking victims>.
1 10 #2. Page 1, by inserting after line 14 the
1 11 following:
1 12 <____. "Debt bondage" means the status or condition
1 13 of a debtor arising from a pledge of the debtor's
1 14 personal services or a person under the control of a
1 15 debtor's personal services as a security for debt if
1 16 the reasonable value of such services is not applied
1 17 toward the liquidation of the debt or the length and
1 18 nature of those services are not respectively limited
1 19 and defined.>
1 20 #3. Page 1, by inserting after line 28 the
1 21 following:
1 22 <3. "Human trafficking" means participating in a
1 23 venture to recruit, harbor, transport, supply
1 24 provisions, or obtain a person for any of the
1 25 following purposes:
1 26 a. Forced labor or service that results in
1 27 involuntary servitude, peonage, debt bondage, or
1 28 slavery.
1 29 b. Commercial sexual activity through the use of
1 30 force, fraud, or coercion, except that if the
1 31 trafficked person is under the age of eighteen, the
1 32 commercial sexual activity need not involve force,
1 33 fraud, or coercion.>
1 34 #4. Page 1, by inserting before line 29 the
1 35 following:
1 36 <____. "Involuntary servitude" means a condition of
1 37 servitude induced by means of any scheme, plan, or
1 38 pattern intended to cause a person to believe that if
1 39 the person did not enter into or continue in such
1 40 condition, that person or another person would suffer
1 41 serious harm or physical restraint or the threatened
1 42 abuse of legal process.>
1 43 #5. Page 1, line 29, by striking the figure <3.>
1 44 and inserting the following: <4.>
1 45 #6. Page 1, line 30, by striking the figure <4.>
1 46 and inserting the following: <5.>
1 47 #7. Page 1, by striking line 34.
1 48 #8. Page 2, by inserting after line 1 the
1 49 following:
1 50 <____. "Peonage" means a status or condition of
2 1 involuntary servitude based upon real or alleged
2 2 indebtedness.>
2 3 #9. Page 2, by striking lines 12 and 13 and
2 4 inserting the following:
2 5 <10. "Victim" means a person subjected to human
2 6 trafficking>.
2 7 #10. By striking page 2, line 14, through page 4,
2 8 line 17, and inserting the following:
2 9 <Sec. ____ NEW SECTION. 710A.2 HUMAN
2 10 TRAFFICKING.
2 11 1. A person who knowingly engages in human
2 12 trafficking is guilty of a class "D" felony, except
2 13 that if the victim is under the age of eighteen, the
2 14 person is guilty of a class "C" felony.
2 15 2. A person who knowingly engages in human
2 16 trafficking by causing or threatening to cause serious
2 17 physical injury to another person is guilty of a class
2 18 "C" felony, except that if the victim is under the age
2 19 of eighteen, the person is guilty of a class "B"
2 20 felony.
2 21 3. A person who knowingly engages in human
2 22 trafficking by physically restraining or threatening
2 23 to physically restrain another person is guilty of a
2 24 class "D" felony, except that if the victim is under

2 25 the age of eighteen, the person is guilty of a class
2 26 "C" felony.

2 27 4. A person who knowingly engages in human
2 28 trafficking by soliciting services or benefiting from
2 29 the services of a victim is guilty of a class "D"
2 30 felony, except that if the victim is under the age of
2 31 eighteen, the person is guilty of a class "C" felony.

2 32 5. A person who knowingly engages in human
2 33 trafficking by abusing or threatening to abuse the law
2 34 or legal process is guilty of a class "D" felony,
2 35 except that if the victim is under the age of
2 36 eighteen, the person is guilty of a class "C" felony.

2 37 6. A person who knowingly engages in human
2 38 trafficking by knowingly destroying, concealing,
2 39 removing, confiscating, or possessing any actual or
2 40 purported passport or other immigration document, or
2 41 any other actual or purported government
2 42 identification document of a victim is guilty of a
2 43 class "D" felony, except that if that other person is
2 44 under the age of eighteen, the person is guilty of a
2 45 class "C" felony.

2 46 7. A person who benefits financially or by
2 47 receiving anything of value from knowing participation
2 48 in human trafficking is guilty of a class "D" felony,
2 49 except that if the victim is under the age of
2 50 eighteen, the person is guilty of a class "C" felony.

3 1 [#11](#). Page 4, line 18, by striking the figure
3 2 <710A.6> and inserting the following: <710A.4>.

3 3 [#12](#). Page 4, line 19, by inserting after the word
3 4 <defense> the following: <, in addition to any other
3 5 affirmative defenses for which the victim might be
3 6 eligible,>.

3 7 [#13](#). Page 4, line 22, by striking the figures and
3 8 word <710A.3, or 710A.4,>.

3 9 [#14](#). By striking page 4, line 26, through page 5,
3 10 line 28, and inserting the following:

3 11 <Sec. _____. **NEW SECTION.** 710A.5 RESTITUTION.
3 12 The gross income of the defendant or the value of
3 13 labor or services performed by the victim to the
3 14 defendant shall be considered when determining the
3 15 amount of restitution.>

3 16 [#15](#). Page 5, line 29, by striking the figure
3 17 <710A.11> and inserting the following: <710A.6>.

3 18 [#16](#). Page 5, line 31, by striking the word and
3 19 figure <or 710A.3>.

3 20 [#17](#). Page 6, line 4, by striking the word and
3 21 figure <or 710A.3>.

3 22 [#18](#). Page 6, line 10, by striking the figures and
3 23 word <, 710A.3, or 710A.4>.

3 24 [#19](#). Page 6, by striking lines 15 through 32 and
3 25 inserting the following:

3 26 <Victims of human trafficking, as defined in
3 27 section 710A.1, shall have the same rights as other
3 28 victims of a crime, including the right to receive
3 29 victim compensation pursuant to section 915.84,
3 30 regardless of their immigration status.>

3 31 [#20](#). Page 7, line 11, by striking the figures and
3 32 word <710A.2, 710A.3, or 710A.4> and inserting the
3 33 following: <710A.2>.

3 34 [#21](#). Page 7, by inserting after line 16 the
3 35 following:

3 36 <Sec. _____. **HUMAN TRAFFICKING STUDY.** The
3 37 legislative council is requested to authorize a study
3 38 for the 2006 legislative interim on human trafficking.
3 39 The study recommendations and findings shall include
3 40 but are not limited to identifying the needs of human
3 41 trafficking victims and law enforcement and any other
3 42 agencies that serve victims of human trafficking. The
3 43 study report, including findings and recommendations,
3 44 shall be submitted to the general assembly for
3 45 consideration during the 2007 legislative session.
3 46 The study shall be conducted by a study committee
3 47 consisting of up to nine members of the general
3 48 assembly. A chairperson or co-chairpersons shall be
3 49 designated by the legislative council.>

3 50 [#22](#). Title page, by striking line 3 and inserting
4 1 the following: <assistance programs, providing
4 2 penalties, and providing for a study.>

4 3 [#23](#). By renumbering, relettering, or redesignating
4 4 and correcting internal references as necessary.

4 5 SF 2219.H

